

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13556 of 2019

Arising Out of PS. Case No.-518 Year-2017 Thana- FATUA District- Patna

NITISH KUMAR, Son of Kapil Yadav Resident of Village - Belthan, P.S.-
Bakhtiyarpur, Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Kumar, Advocate.

For the Opposite Party/s : Dr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 17-04-2019 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **Fatuha P.S. Case No. 518 of 2017**, instituted for the offence under Section(s) 25(1-b)a, 26 of the Arms Act and Sections 8, 20 and 22 of the NDPS Act.

Prayer of the petitioner for grant of bail was earlier rejected by this Court vide order dated 31.10.2018 passed in Cr. Misc. 56406 of 2018.

The allegation against the petitioner is that 500 grams of *Charas* has been recovered from his possession.

Counsel for the petitioner submits that petitioner is in custody since 18.11.2017. He further submits that as per Schedule given in Narcotic Drugs and Psychotropic Substances Act, 1985, recovery of 500 gms. of *Charas* comes under the category of less than commercial quantity.

Report was called for from the court below which has been received. From the report it appears that even charge has not been framed in the case.

Considering the aforesaid facts and circumstances of the case,



prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional District Judge-III-cum-Special Judge, C.B.I.-II, Patna,** in connection with **Fatuha P.S. Case No. 518 of 2017,** subject to the condition that both the bailors will be the close relatives of the petitioner with further conditions which are as follows:

(i) Petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court (ii) In absence on two consecutive dates without any valid reason, the bail bonds of the petitioner will liable to be cancelled and (iii) if petitioner tampers with the evidence or the witnesses of the case, in that event, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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